

REMARKS/ARGUMENTS

Applicants respectfully request entry of the present amendment and reconsideration of the present application. This amendment is submitted to present the claims in better form for reconsideration by the Examiner or for consideration on appeal.

Claims 2-5, 8, 9, 11-14, 17, 18, 20 and 23-30 remain in this application. Claims 1, 6, 7, 10, 15, 16, 19, 21 and 22 have been canceled. Claims 24-30 are new.

Allowable Subject Matter

In the Office action, the Examiner indicated that claims 2-5, 8, 9, 11-14, 17, 18, 20 and 23 are rejected as being dependent on a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Applicants gratefully acknowledge this indication of allowable subject matter and have amended claims 2-5, 8, 9, 11-14, 17, 18, 20 and 23 accordingly.

Specification Objection.

In the final Office action, the Examiner maintained her objection to the specification as failing to include required headings within the specification.

Applicants again request withdrawal of this rejection, in view of the fact that headings are not required.

The final Office action objects to the disclosure for lacking section headings under 37 CFR 1.77(b). Applicants respectfully traverse this objection. Applicants prefer not to add section headings, for consistency with the parent application. Such section headings are not statutorily required for filing a non-provisional patent application under 35 USC 111(a), but per 37 CFR 1.51(d) are only guidelines that are suggested for applicant's use. They are not mandatory, and in fact when Rule 77 was amended in 1996 (61 FR 42790, Aug. 19, 1996), Bruce A. Lehman, Assistant Secretary of Commerce and Commissioner of Patents and Trademarks, stated in the Official Gazette:

"Section 1.77 is permissive rather than mandatory. ... 1.77 merely expresses the Office's preference for the arrangement of the application elements. The Office may advise an applicant that the application does not comply

with the format set forth in 1.77, and suggest this format for the applicant's consideration; however, the Office will not require any application to comply with the format set forth in 1.77."

Miscellaneous Changes in Patent Practice, Response to comments 17 and 18 (Official Gazette, August 13, 1996)
[Docket No: 950620162-6014-02] RIN 0651-AA75.

Claim Rejection.

In the final Office action, Claims 1, 6, 7, 10, 15, 16, 19, 21 and 22 were again rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 5,671,058 (*Kawaguchi*).

Claims 1, 6, 7, 10, 15, 16, 19, 21 and 22 have been canceled thereby rendering the rejection thereof moot.

New Claims

Claims 24-30 are added to clarify Applicants' invention and to provide Applicants with protection commensurate in scope with the invention disclosed.

New independent claims 24, 26 and 28 recite the use of a position controller output as input of a controlled variable to a gravity compensation controller and as a

manipulated variable input to a position actuator, as is disclosed in the specification of the present invention at, for example, paragraphs [0017] or [0023]. Even assuming, for the sake of argument, that other features of the invention of *Kawaguchi* are properly compared to the present invention, no such limitation is shown or suggested by *Kawaguchi*. As can be seen, in particular, from Fig.'s 15 and 16 of *Kawaguchi*, and as set forth, for example, in the specification of *Kawaguchi* at col. 9, lines 24-51, *Kawaguchi* teaches and suggests only derivation of a compensating signal from inputs from several controllers, 602, 603, 605.

Better Form for Claims

By means of the present amendment, Claims 2-5, 8, 9, 11-14, 17, 18, 20 and 23 have been amended to correct certain informalities noted upon review and to better conform to U.S. practice, such as changing "characterized in that" to --wherein--and removing reference numbers. --. Claims 2-5, 8, 9, 11-14, 17, 18, 20 and 23 were not amended in order to address issues of patentability, and

Applicant respectfully reserves all rights under the
Doctrine of Equivalents.

In addition, Applicants deny any statement, position
or averment of the Examiner that is not specifically
addressed by the foregoing argument and response. Any
rejections and/or points of argument not addressed would
appear to be moot in view of the presented remarks.
However, the Applicants reserve the right to submit
further arguments in support of the above stated position,
should that become necessary. No arguments are waived and
none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted
that Claims 2-5, 8, 9, 11-14, 17, 18, 20 and 23-30 are
patentable and that the present application is in
condition for allowance. A Notice of Allowance is
earnestly solicited.

If any informalities remain, the Examiner is
requested to telephone the undersigned in order to
expedite allowance.

Appl. No. 10/567,220
Amdt. dated Jan. 30, 2009
Reply to final Office action of Dec. 2, 2008

Please charge any fee deficiencies and credit any
overpayments to Deposit Account No. 14-1270.

Respectfully submitted,

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January 30, 2009